

INFORMATION COPY
MAILING NOT YET REQUESTED
E.S. CT. # 00-977

No. 04-3270

FILED
JUDGE BORRINI
CLERK

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT 05 JUN 10 PM 12:44

FILED

CARMEN CARTER,

Plaintiff-Appellant,

v.

THE E.W. SCRIPPS COMPANY,

Defendant-Appellee.

WESTERN DISTRICT OF OHIO
WESTERN DIVISION
JUN 09 2005

ORDER

LEONARD GREEN, Clerk

1:00cv 977

Before: SILER and GIBBONS, Circuit Judges; LAWSON, District Judge.*

Carmen Carter, an Ohio resident proceeding pro se, appeals a district court judgment dismissing her employment discrimination action filed pursuant to Title VII of the Civil Rights Act (Title VII), 42 U.S.C. §§ 2000e-5 et seq., the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12201 et seq., and Ohio Revised Code Chapter 4112. This case has been referred to a panel of the court pursuant to Rule 34(j)(1), Rules of the Sixth Circuit. Upon examination, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a).

Carter is a former employee of the defendant, The E.W. Scripps Company, which owns and operates newspapers, including but not limited to The Cincinnati Post and The Kentucky Post. Carter was a reporter during the twelve-year period that she was employed by the defendant until her employment was terminated in October, 1999. Following the termination of her employment, Carter filed charges with the Equal Employment Opportunity Commission (EEOC) alleging race, sex and disability discrimination. Following receipt of the right to sue letter, Carter filed this lawsuit,

*The Honorable David M. Lawson, United States District Judge for the Eastern District of Michigan, sitting by designation.

No. 04-3270

- 2 -

alleging race, sex and disability discrimination. Carter suffers from depression and considers herself disabled because of it.

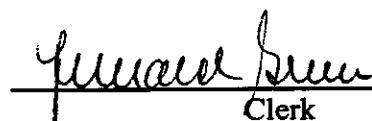
The defendant asserts that it terminated Carter's employment for reasons unrelated to her gender, race or alleged disability. The defendant asserts that Carter's employment was terminated for persistent tardiness, insubordination and unprofessional conduct, and that her employment termination was the last result after progressive disciplinary steps failed to alter her workplace behavior.

The matter was referred to a magistrate judge who recommended that summary judgment should be entered for the defendant on all claims. The district court adopted this recommendation in the absence of any objections by Carter. This appeal followed. The parties have briefed the issues. Carter has filed a motion for counsel and a motion for jurisdictional remand.

Upon review, we affirm the district court's judgment because Carter has waived her right to appeal. A party who does not file specific objections to a magistrate judge's report and recommendation, after being advised to do so, waives her right to appeal. *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). Exceptional circumstances, however, will warrant an exception to the rule in the interests of justice. *Thomas v. Arn*, 474 U.S. 140, 155 & n.15 (1985). No exceptional circumstances exist in this case. (Att. 6).

Accordingly, all pending motions are denied, and the district court's judgment is affirmed.
Rule 34(j)(2)(C), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT



Michael J. Brown
Clerk

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

100 EAST FIFTH STREET, ROOM 532

POTTER STEWART U.S. COURTHOUSE

CINCINNATI, OHIO 45202-3988

LEONARD GREEN
CLERK

NANCY J. BARNES
(513) 564-7022
www.ca6.uscourts.gov

Filed: June 9, 2005

Carmen Carter
419 Probasco Street #7
Cincinnati, OH 45220

David G. Holcombe
Baker & Hostetler
312 Walnut Street
Suite 3200
Cincinnati, OH 45202

RE: 04-3270
Carter vs. E W Scripps Co
District Court No. 00-00977

Enclosed is a copy of an order which was entered today in the above-styled case.

(Ms.) Nancy Barnes
Case Manager

Enclosure

cc:

Honorable Herman J. Weber
Mr. James Bonini

Mr. James Bonini, Clerk
Southern District of Ohio at Cincinnati
100 E. Fifth Street
Suite 103 Potter Stewart U.S. Courthouse
Cincinnati, OH 45202